

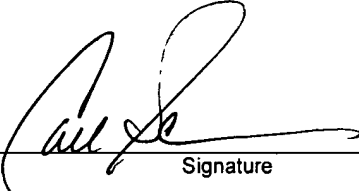
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SHO-0034	
	Application Number 10/697,157-Conf. #9101	Filed October 31, 2003	
	First Named Inventor Kazuki Emori		
	Art Unit 3714	Examiner S. H. Lim	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>29,211</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <div style="text-align: right;"> _____ Signature _____ Carl Schaukowitch Typed or printed name _____ (202) 955-3750 Telephone number _____ May 20, 2008 Date</div>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of <u>1</u> form is submitted.</p>			



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kazuki EMORI

Application No.: 10/697,157

Filed: October 31, 2003

For: GAMING MACHINE

Attorney Docket No.: SHO-0034

Examiner: S. H. Lim

Art Unit: 3714

Confirmation No.: 9101

ARGUMENTS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The Examiner issued an Advisory Action dated May 15, 2008, in response to Applicant's Response after Final Rejection under 37 CFR 1.116 filed on April 28, 2008. Applicants' Response after Final Rejection was filed in response to the final Office Action dated January 25, 2008. A complete listing of the claims and the appropriate status identifiers can be found in Applicant's Response after Final Rejection on pages 2 and 3. No amendments were made to the claims in Applicants' Response after Final Rejection.

In the final Office Action dated January 20 5, 2008, claims 1 and 3-6 are rejected under 35 USC 102 (b) as being anticipated by Sakamoto (JP 10174738). The rejection is respectfully traversed.

The courts have required for §102 anticipation that a single reference teach (i.e., identically describe) each and every element or step of the rejected claim or else the reference falls under §103. Atlas Powder v. E. I. du Pont, 750 F.2nd 1569, 224 USPQ 409 (Fed. Cir. 1984), Jamesbury Corp. v. Litton Industrial Products, 756 F.2nd 1556, 22 5 USPQ 253 (Fed. Cir. 1985).

Sakamoto teaches a gaming machine that makes it easier for a player to visually recognize claims dispensed into a coin-receiving tray even if the gaming machine is

installed in a dimly-lit place. An opening is formed at the lower phase of a frame that is opposed to the coin-receiving tray. Light emitted from a florescent lamp illuminating a decorative panel eliminates the coin-receiving tray through a transparent resin plate covering the opening. Information such as "ABC" can be drawn all in the transparent resin plate so that the information can be projected onto the coin-receiving tray.

Claim 1 is directed to a gaming machine including a cabinet, a belly panel, a symbol row display device, an operation input device, an internal lottery device, an illumination device, a transparent member placement part and a transparent member. Claim 1 recites that the cabinet has a front side and the belly panel is releasably connected to the cabinet and is operable to move to a cover state where a portion of the front side of the cabinet is covered by the belly panel and an exposed state where the portion of the front side of the cabinet is uncovered when the belly panel is positioned away from the cabinet. Claim 1 further recites that the symbol row display device is configured to display a plurality of symbols for a player to arrange the symbols, the operation input device includes a lever or a button to be operated by the player to play a game, the internal lottery device is configured to carry out an internal lottery of the game with a random number and the illumination device is configured to illuminate a tray formed on the cabinet of the gaming machine.

Also, claim 1 recites that the transparent member placement part attached to the portion of the front side of the cabinet and the transparent member detachably disposed between the illumination device and the tray. Additionally, claim 1 recites that, when the belly panel is in the exposed state, the transparent member placement part is operative to slidably receive the transparent member and, when the belly panel is in the cover state, the transparent member is slidably received by the transparent member placement part such that the transparent member is positioned between the belly panel and the portion of the front side of the cabinet thereby retaining the transparent member substantially immovable therebetween.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each and every element of claim 1. Specifically, it is respectfully submitted that the applied art fails to teach that the cabinet has a front side and the belly panel is

releasably connected to the cabinet and is operable to move to a cover state where a portion of the front side of the cabinet is covered by the belly panel and an exposed state where the portion of the front side of the cabinet is uncovered when the belly panel is positioned away from the cabinet. Furthermore, it is respectfully submitted that the applied art also fails to teach that a transparent member placement part is attached to the portion of the front side of the cabinet. Additionally, it is respectfully submitted that the applied art also fails to teach that, when the belly panel is in the exposed state, the transparent member placement part is operative to slidably receive the transparent member and, when the belly panel is in the cover state, the transparent member is slidably received by the transparent member placement part such that the transparent member is positioned between the belly panel and the portion of the front side of the cabinet thereby retaining the transparent member substantially immovable therebetween. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

Claims 3-6 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Claims 1 and 3-6 are rejected under 35 USC 103 (a) as being unpatentable over Sakamoto. The rejection is respectfully traversed.

Examiners must make appropriate rejections regarding the obviousness of claimed inventions in light of the TSM (teaching suggestion motivation) Test and/or the recent Supreme Court's decision in KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, 82 USPQ2d 1385 (2007). The familiar factual inquiries announced by the Supreme Court in its much earlier decision, Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), remain the basis for every decision regarding obviousness, i.e., Examiners will continue to consider:

- (1) the scope and content of the prior art,
- (2) the differences between the claimed invention and the prior art,

- (3) the level of ordinary skill in the pertinent art, and
- (4) objective evidence relevant to the issue of obviousness.

It is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the features of claim 1. Specifically, it is respectfully submitted that the applied art, alone or in combination, fails to teach or suggest that the cabinet has a front side and the belly panel is releasably connected to the cabinet and is operable to move to a cover state where a portion of the front side of the cabinet is covered by the belly panel and an exposed state where the portion of the front side of the cabinet is uncovered when the belly panel is positioned away from the cabinet. Furthermore, it is respectfully submitted that the applied art also fails to teach that a transparent member placement part is attached to the portion of the front side of the cabinet. Additionally, it is respectfully submitted that the applied art also fails to teach that, when the belly panel is in the exposed state, the transparent member placement part is operative to slidably receive the transparent member and, when the belly panel is in the cover state, the transparent member is slidably received by the transparent member placement part such that the transparent member is positioned between the belly panel and the portion of the front side of the cabinet thereby retaining the transparent member substantially immovable therebetween.

Thus, it is respectfully submitted that one of ordinary skill in the art would not be motivated to modify the features of the applied art because such applied art is devoid of such features. Because the applied art is devoid of all of the claimed features, it is respectfully submitted that the Examiner cannot establish a *prima facie* case of obviousness for the reasons set forth above either under the TSM (teaching suggestion motivation) test or the factual inquiries under Graham v. John Deere Co., *supra*. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

As mentioned above, claims 3-6 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Claim 2 is rejected under 35 USC 103 (a) as being unpatentable over Sakamoto in view of Corsetti (WO 98/05575). The rejection is respectfully traversed.

Corsetti teaches a removable insert for coin trays.

Claim 2 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reasons claim 1 is allowable as well as for the features it recites.

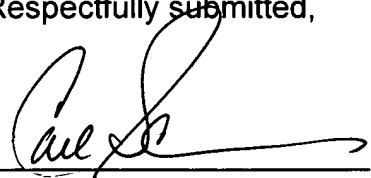
Withdrawal of the rejection is respectfully requested.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: May 20, 2008

By:


Carl Schaukowitch
Reg. No. 29,211

RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W. Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353

Enclosure(s): Notice of Appeal
 Pre-Appeal Brief Request for Review

DC314910.DOC